

JAP:NDB

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

15M 814

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UNITED STATES OF AMERICA

FILED UNDER SEAL

- against -

DWAYNE ANTHONY MYERS,  
also known as "Tywan Leon Hall,"

AFFIDAVIT AND COMPLAINT  
IN SUPPORT OF AN ARREST  
WARRANT  
(8 U.S.C. § 1326(a))

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

GABRIEL HOKER, being duly sworn, deposes and states that he is a Deportation Officer with the Department of Homeland Security, United States Immigration and Customs Enforcement, duly appointed according to law and acting as such.

On or about April 14, 2015, within the Eastern District of New York and elsewhere, the defendant DWAYNE ANTHONY MYERS, also known as "Tywan Leon Hall," being an alien who had previously been excluded and removed from the United States, and who had not made a re-application for admission to the United States to which the Secretary of the Department of Homeland Security, successor to the Attorney General of the United States, had expressly consented, was found in the United States.

(Title 8, United States Code, Sections 1326(a))

The source of your deponent's information and the grounds for his belief are as follows:<sup>1</sup>

1. I am a Deportation Officer with United States Immigration and Customs Enforcement ("ICE") and have been involved in the investigation of numerous cases involving the illegal reentry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the ICE investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. A review of the defendant's immigration records reflect that the defendant, a citizen of Jamaica, was removed from the United States on or about April 28, 2005.<sup>2</sup>

3. In or about June 2015, a confidential source who has previously provided reliable information to law enforcement, reported that the defendant DWAYNE ANTHONY MYERS, also known as "Tywan Leon Hall," illegally reentered the United States and resides in Brooklyn, New York. ICE officials showed the confidential source a driver's license photograph of the defendant DWAYNE ANTHONY MYERS, also known as "Tywan Leon Hall," as well as a photograph of the defendant DWAYNE ANTHONY MYERS, also known

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<sup>1</sup>Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

<sup>2</sup> The defendant was removed subsequent to a conviction on July 1, 2002 for the criminal sale of marijuana in violation of New York State Penal Law.

as "Tywan Leon Hall," from his removal proceedings, and the confidential source confirmed that the man in the two photographs is the same man he reported about.

4. Pursuant to our investigation, the defendant's vehicle, a white 2008 Hyundai (the "Vehicle"), was identified. A search of New York State Department of Motor Vehicle records confirmed that the Vehicle is registered to the defendant DWAYNE ANTHONY MYERS, also known as "Tywan Leon Hall."<sup>3</sup>

5. In or about August 2015, law enforcement officials twice observed the defendant DWAYNE ANTHONY MYERS, also known as "Tywan Leon Hall," in the Vehicle in Brooklyn, New York. On or about August 18, 2015, I observed the defendant DWAYNE ANTHONY MYERS, also known as "Tywan Leon Hall," in the Vehicle in Brooklyn, New York, and initiated a vehicle stop. After I approached the vehicle and asked the driver for identification, the defendant DWAYNE ANTHONY MYERS, also known as "Tywan Leon Hall," provided me with a New York States driver's license under the name "Tywan Leon Hall."

6. A search of immigration records has revealed that there exists no request by the defendant for permission from either the United States Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States after removal.

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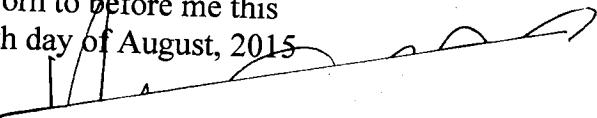
<sup>3</sup> ICE officials conducted a search of a Department of State database, which revealed that the defendant DWAYNE ANTHONY MYERS, also known as "Tywan Leon Hall," also has a United States passport and a New Jersey driver's license under the name "Tywan Leon Hall." On or about April 14, 2015, the defendant DWAYNE ANTHONY MYERS, also known as "Tywan Leon Hall," used that passport to enter the United States at John F. Kennedy International Airport in the Eastern District of New York.

7. I further request that the Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the affidavit and arrest warrant. Based upon my training and experience, I have learned that criminals actively search for criminal affidavits and arrest warrants via the internet. Therefore, premature disclosure of the contents of this affidavit and related documents will seriously jeopardize the investigation, including by giving targets an opportunity to flee or continue flight from prosecution, destroy or tamper with evidence and change patterns of behavior.

WHEREFORE, your deponent respectfully requests that the defendant DWAYNE ANTHONY MYERS, also known as "Tywan Leon Hall," be dealt with according to law.

  
GABRIEL HOKE  
Deportation Officer  
United States Immigration and Customs  
Enforcement

Sworn to before me this  
25th day of August, 2015



  
THE HONORABLE MARILYN D. GORDON  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK